

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

I hereby certify that this transmittal of the below described document is being deposited with the United States Postal Service in an envelope bearing First Class Postage and addressed to the Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450, on the below date of deposit.

Date of Deposit:	10/24/05	Name of Person Making the Deposit:	Kerry Erin Kelly	Signature of the Person Making the Deposit:	<i>Kerry Erin Kelly</i>
------------------	----------	------------------------------------	------------------	---	-------------------------

In re Application of: **BROOKS *et al***

Serial No.: **09/854,384**

Examiner: **Kading, Joshua A.**

Filed: **05/11/2001**

Art Unit: **2661**

Conf. No.: **8633**

For: **A METHOD FOR TESTING CONGESTION AVOIDANCE ON HIGH SPEED NETWORKS**

**Commissioner for Patents
Alexandria, VA 22313-1450**

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application

☒ Transmitted herewith is a response to an office action for the above identified patent application.
(17 sheets)
Transmitted herewith are _____ pages of Formal Drawings
Other: _____

2. Applicant is other than a small entity

Extension of Term

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

(a) ☐ Applicant petitions for an extension of time under 37 C.F.R. 1.136
(fees: 37 C.F.R. 1.17(a)-(d) for the total number of months checked below:)

<u>Extension</u>	<u>Fee</u>
<input type="checkbox"/> one month	\$ 110.00
<input type="checkbox"/> two months	\$ 420.00
<input type="checkbox"/> three months	\$ 950.00
<input type="checkbox"/> four months	\$1,480.00

Fee \$

If an additional extension of time is required, please consider this a petition therefor.

(b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

Fee Calculation

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

(for other than a small entity)					
Fee Items	Claims Remaining After Amendment	Highest Number of Claims Previously Paid For	Present Extra Claims	Fee Rate	Total
Total Claims	33	- 33 =	0	x \$50.00	\$0.00
Independent Claims	4	- 4 =	0	x \$200.00	\$0.00
Multiple Dependent Claim Fee (one or more, first added by this amendment)				\$260.00	
Total Fees					\$00.00

PAYMENT OF FEES

5. The full fee due in connection with this communication is provided as follows:
- ☒ The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No.: 23-0085.
A duplicate copy of this authorization is enclosed.
- ☐ A check in the amount of \$
- ☒ Charge any fees required or credit any overpayments associated with this filing to Deposit Account No.: 23-0085.

Please direct all correspondence concerning the above-identified application to the following address:

WAGNER, MURABITO & HAO LLP
Two North Market Street, Third Floor
San Jose, California 95113
(408) 938-9060

Respectfully submitted,

Date: October 24, 2005

By: 

Matthew J. Blecher
Reg. No. 46,558

CSCO-3768



Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
BROOKS, et al.)	Examiner: Kading, Joshua A.
)	
Serial No.: 09/854,384)	Art Unit: 2661
)	
Filed: May 11, 2001)	Conf. No.: 8633
)	
For: A METHOD FOR TESTING)	
CONGESTION AVOIDANCE ON)	
HIGH SPEED NETWORKS)	
)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE

Dear Sir:

In response to the Office Action mailed on July 26, 2005, the Applicants respectfully request further examination and reconsideration of the above captioned patent application in view of the amendments and arguments set forth below.

CSCO-3768/JPH/MJB
Examiner: Kading, Joshua A.

Serial No.: 09/854,384
Group Art Unit: 2661